IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3580 OF 2007

Asharaf Khan Pathan -
Abdul Hamid Khan : Applicant

versus

The State of Maharashtra : Respondent

Mr.Iqbal Y. Solkar for the applicant.
Ms.S.D.Shinde, APP, for State.

CORAM : V.C.DAGA, J

DATED : NOVEMBER 01, 2007.

P.C.

1. Heard learned counsel for the applicant and learned APP for the State.

2. By this application the applicant is seeking anticipatory bail in C.R.No.464 of 2007 registered with Saki Naka Police Station for the offence under Sections 498A, 406, 506, 34 of the Indian Penal Code.

3. The applicant has moved this Court after

suffering adverse order dated 16 October 2007 at the hands of the learned Sessions Judge, Greater Bombay refusing to grant anticipatory bail to the applicant.

4. The only ground for denying anticipatory bail is that the present applicant did not stop his son from going to Dubai, after obtaining interim bail from the Sessions Court. The son of the applicant has already been granted anticipatory bail by the Sessions Court. That could not be a ground for denying the bail to the present applicant. The applicant is aged about 63 years and is a retired government servant. There is no possibility of his tempering with the prosecution evidence or pressurising the wintesses.

5. Under these circumstances I am inclined to grant pre-arrest bail to the applicant on the following terms and conditions.

(a) In the event of arrest of the applicant in connection with C.R.No.464 of 2007 registered with Saki Naka Police Station, he shall be released on bail in the sum of

Rs.25,000/- with one or two sureties to make up the said amount.

(b) The applicant shall report to Saki Naka Police Station as and when called and shall co-operate with the investigating agency.

(c) The applicant shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicant to apply for regular bail before regular Court.

(e) It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

. Application stands disposed of accordingly.

[V.C.DAGA,J]